

New Hampshire  
State Board of Education  
Minutes of the January 14, 2014 Meeting

**AGENDA ITEM I. CALL TO ORDER**

The regular meeting of the State Board of Education was convened at 9:00 a.m. at the Department of Education, 101 Pleasant Street, Concord, NH. Tom Raffio presided as Chairman.

Members present: Tom Raffio, Cindy C. Chagnon, Gary W. Groleau, Helen G. Honorow, Gregory Odell, Emma Rous, and James C. Schubert. Virginia M. Barry, Commissioner of Education, was unable to attend some of the meeting due to a prior commitment. Paul K. Leather, Deputy Commissioner of Education, attended later in the morning due to an early morning commitment.

Since this would be the last meeting James Schubert would be attending as his term on the Board is up at the end of January, Chairman Raffio said it was a pleasure working with him and he would be missed as a Board member as Mr. Schubert's perspective was always first about the children in the state.

**AGENDA ITEM II. PLEDGE OF ALLEGIANCE**

James Schubert led the pledge of allegiance.

**AGENDA ITEM III. PUBLIC COMMENT**

A. Conditional Approval of Ed 504, Professional Credentials – A vote is needed by the Board to adopt the conditional approval for Ed 504, Professional Credentials, to comply with the conditional approval for rule filing 2013-111 approved by the JLCAR. The conditional approval is based on changes to the final proposal as discussed with the JLCAR at its December 19, 2013 public hearing. If we make the changes annotated, the Office of Legislative Services can determine we have amended the rules in accordance with the conditional approval and issue a letter to that affect. Once reviewed by the Office of Legislative Services to determine the rules have been amended in accordance with the conditional approval and RSA 541-A:13, V(a), the Board may then adopt the final rule.

MOTION: Cindy Chagnon made the motion, seconded by Helen Honorow, that the State Board of Education adopt the changes to the Final Proposal for Ed 504, Professional Credentials, to comply with the conditional approval for rule filing 2013-111.

VOTE: The motion was adopted by unanimous vote of the Board present, with the Chairman voting.

Bonnie Dunham spoke as a concerned citizen and as the Chair of the State Advisory Committee on the Education of Children with Disabilities. She wanted to make the Board aware of a recently approved change in New Hampshire's Medicaid rules that could have disastrous implications for school district special education budgets. Ms. Dunham submitted written public comments for Board members.

Doris Hohensee said that the hearing on Ed 306 Minimum Standards at JLCAR had been cancelled and will be rescheduled. She still has questions regarding parental approval, the competencies, and the section in Smarter Balanced on dispositions. Chairman Raffio asked Mr. Leather when he returned from his meeting to respond to Ms. Hohensee's concerns.

#### **AGENDA ITEM IV. OPEN BOARD DISCUSSION**

A. Update on Charter Schools – Chairman Raffio said right now there is nothing new to report. There are twenty-two charter schools, eighteen in operation with a total of 1,193 students. The Founders Academy has indicated that a January, 2014 opening has been revised to September, 2014. There are several charter school laws in the Legislature for review.

B. Update on Unity - Dr. Judith Fillion, Jeff Blaney, Shawn Randall, Bob McDevitt, and Matt Upton were present at the meeting. Mr. Blaney indicated the architect has continued to make submittals to the State Fire Marshal's Office and they continue to fall short of the requirements to lift the stop work order. Mr. Blaney also indicated Mr. Upton (Unity's lawyer) contacted him yesterday asking some questions and providing an update of where the project is heading. Mr. Randall announced that the Unity Board hired Trumbull-Nelson as the new construction manager for the project, and Vaughn Associates would remain on as the architect of record. Trumbull-Nelson's first order of business will be to review the project status and prepare cost estimates for the completion of the school.

C. Discussion on Strategic Items from Board Retreat – There was a robust discussion among Board members regarding the draft Strategic dashboard metrics, based on the Retreat, submitted to Board members. Board members felt that several sub goals could be combined into one overarching goal. There were several suggestions made such as they would like to see more awareness of what is happening in the school districts as there is much going on in the emerging process, the dropout rate should still be a priority, to focus on goals for which resources are available, college and career ready professional development and that best practices be shared. Other suggestions included focusing on IHE and program approval for the colleges, how can best practices be shared, focus on student achievement, and have a mini retreat to flesh out this strategic plan or goals. It was suggested that Michael Schwartz come to the February meeting with data that he has been collecting for the Department. Chairman Raffio suggested that the dashboard metrics be revised with the above suggestions with discussion at the February 13 Board meeting.

D. Miscellaneous Correspondence -The NH Network in NH was discussed. There are great things happening now around the state and the publication is on line.

Chairman Raffio mentioned that the Business and Education Coalition had met recently.

Chairman Raffio said that Emma Rous would be representing the State Board at the state team meeting of the “Improving Student Learning at Scale” grant scheduled for January 27<sup>th</sup> and would be attending any other meetings scheduled for this team.

E. Minimum Standards - Chairman Raffio said that there are few changes for the minimum standards scheduled for the JLCAR meeting and that the new language is in place for the new standards.

## **AGENDA ITEM V. SPECIAL PRESENTATIONS**

A. Educator Leadership – Tammy Boucher, Educator Leadership Project Manager, and Robin Comstock from the Manchester Chamber of Commerce, gave a power point presentation. Educator Leadership, a program of the Greater Manchester Chamber of Commerce, is designed to provide teachers, guidance counselors and other educators the opportunity for exposure to and relationships with local businesses and CEOs. The goals are to ensure that school teaching is relevant to the skills required of industry and to provide employers with learning experiences and a new understanding of the educational system.

The structure of the program is to bring participating educators into the workplace of local businesses to learn more about businesses' needs and their interest in the future workforce.

B. GIS Instruction - New Hampshire is one of several states in the nation that can provide Geographic Information Systems (GIS) software to every school in the state free of charge. Thanks to a statewide partnership agreement between Environmental Systems Research Institute (Esri), the world's leading GIS software developer, and the New Hampshire Department of Education, these new licenses will allow every public or private school as well as non-formal educational organizations throughout the state free access to Esri's state-of-the-art GIS desktop and online tools for use in education and research. Bob Woolner, a 7<sup>th</sup> grade teacher from Hopkinton, presented the results from the past year and a half of work that GIS using K-12 and higher education educators have been doing to train and promote the use of the Esri GIS software with New Hampshire students. Many trainings and presentations, large and small, were done throughout the state. Likewise, teachers are using this software with students in math, science, social studies, and other content areas, to incorporate place-based learning and mapping into their instructional activities. The project to train and promote the use of the free software was funded in part through the NH Geographic Alliance, and EBSCO. The group plans on submitting a proposal to the Math Science Partnership program to continue the work in the coming years.

C. SAU Items – Paul Leather reported on the following items.

1. Goffstown-New Boston AREA Agreement – A vote is needed by the Board to approve an AREA agreement between the school districts of Goffstown and New Boston with Goffstown as the receiving district and New Boston as the sending district. The current AREA agreement is with Goffstown, New Boston and Dunbarton and has a provision that creates a ten-year term; that term expires on July 1, 2014. At last year's annual school district meeting, Dunbarton voted to withdraw from the AREA and SAU #19 in favor of entering an AREA agreement with Bow and joining SAU #67. Goffstown and New Boston held special school district meetings on December 4, 2013 to see if the voters would approve the creation of an AREA school planning committee pursuant to the provisions of RSA 195-A:3. The results of the voting were 130 voters in New Boston and 127 voters in Goffstown approved the creation of the planning committee, while 5 voters in New Boston and 8 voters in Goffstown voted against the formation of the committee. A simple majority vote is needed to form a committee. The committee has submitted a plan for the formation of an AREA school district that is essentially the same agreement the Board approved on January 16, 2013, except Dunbarton has been removed from the agreement. Brian Balke, Interim Superintendent of Schools, spoke to this issue.

**MOTION:** Gregory Odell made the motion, seconded by James Schubert, that the State Board of Education approve the Goffstown-New Boston AREA agreement for submission to the voters.

**VOTE:** The motion was adopted by unanimous vote of the Board present, with the Chairman voting.

2. Middleton Withdrawal Plan from the Farmington/Middleton AREA Agreement – Chairman Raffio said the Board is here to conduct our review of Middleton’s Withdrawal Plan from its AREA Agreement with Farmington School District. At the December 19, 2013 meeting, this Board heard from both Middleton and Farmington with respect to: (1) whether the proposed plan met the technical requirements of RSA 195-A:14, IV; and (2) whether the proposed plan is feasible and whether the Board should vote “for” or “against” adoption. Following discussion, the Board sought a legal opinion from the Attorney General’s Office as to whether the proposed partial withdrawal created a deficiency requiring the Board to return the plan to Middleton. The Board delegated the authority to make this finding to the Chairman. Following the Attorney General’s Office’s review, on behalf of the Board, I issued an order on January 3, 2014 finding the plan was deficient as the withdrawal may not be partial; and instead must be complete. The plan was then returned to Middleton to correct the deficiencies before resubmission. On Friday, January 7, 2014, Middleton resubmitted its proposed plan with revisions purporting to correct the deficiencies. On Monday, January 13, 2014, Board members received the materials submitted by both parties: (a) letter dated January 10, 2014 from Middleton’s legal counsel; (b) Appendix I – proposed elementary school floor plan; (c) Appendix I – proposed elementary school site plan; (d) Appendix I – proposed Middleton Elementary School budget; (e) Middleton draft supplemental and amended withdrawal plan (redlined); (f) same without redline; (g) letter from Farmington’s attorney with attachment – Statement from Farmington Superintendent on financial and educational impacts; and (h) an executed copy of the supplemental withdrawal plan. The Board will now consider whether the supplemental plan meets the technical requirements, and, if so, whether the plan is feasible. Ultimately, the Board will determine whether or not it votes “for” or “against” adoption. In addition to myself, all Board members are present. Middleton, the sending district seeking withdrawal, is present and represented by Attorneys Dean Eggert and Alison Minutelli. Farmington, the receiving district, is present and represented by Attorney Ed Lawson. Please note that the Board received these materials only yesterday. Although, to the extent practicable, we are happy to accommodate any timing issues, we will need sufficient time to review all the materials presented to the Board. That said, in light of the submission of the revised plan, we will allow each party to present five to ten minutes of argument on the issues of: (1) technical requirements, and (2)

feasibility. After which, the Board will deliberate the issues and, if necessary, inquire further with the parties. There were also Middleton Board members present. Patrick Queenan from the Attorney General's Office, was present to speak to this issue.

MOTION: Gregory Odell made the motion, seconded by Cindy Chagnon, that the State Board of Education accept the supplemental plan as meeting the technical requirements and vote "for" or "against" this plan.

VOTE: The motion was adopted by unanimous vote of the Board present, with the Chairman voting.

MOTION: Gregory Odell made the motion, seconded by Cindy Chagnon, that the State Board of Education vote to approve the adoption of the Middleton Withdrawal Plan From The Farmington/Middleton AREA Agreement for submittal to the voters.

VOTE: This was done by a roll call vote: Emma Rous – Yes; Gary Groleau – Yes; Gregory Odell – Yes; Cindy Chagnon – Yes; Tom Raffio – Yes; James Schubert – Yes; Helen Honorow – Yes.

Gregory Odell left the meeting at 11:30 a.m.

3. Report of the Goshen Withdrawal Study Committee to Withdraw from the Goshen-Lempster Cooperative School District – A vote is needed by the Board to accept the report of the withdrawal study committee from the cooperative district; and to determine whether the Goshen withdrawal plan meets the statutory requirements to allow it to be placed before the voters in the cooperative district. The withdrawal committee found the withdrawal of Goshen from the Goshen-Lempster Cooperative School District feasible and suitable and has submitted a plan for the withdrawal, to be effective July 1, 2015. If the Board believes that the Goshen plan meets the statutory requirements for a withdrawal plan and that withdrawal is feasible then it would vote to send the plan to the voters for their consideration at an annual or special meeting called for that purpose. If the Board believes that the Goshen plan does not address all of the statutory elements required of a withdrawal plan, then it will vote not to approve the plan. Kelly Tracy, Goshen School Board and Robert Bell, Selectman from Goshen, were present and spoke to the issue. Dr. Michele Munson, Superintendent of Schools for SAU #71, was present. Patrick Queenan from the Attorney General's Office was also present to answer any questions.

MOTION: Gary Groleau made the motion, seconded by Cindy Chagnon, that the State Board of Education voted to accept the Report of the Goshen Withdrawal Study Committee.

MOTION: Gary Groleau made the motion, seconded by James Schubert, that the Board acknowledge that the Goshen Withdrawal Plan meets the statutory requirements necessary and that the plan be submitted to the voters at an annual or special meeting of the cooperative district called for that purpose.

VOTE: The motion was adopted by unanimous vote of the Board present, with the Chairman voting.

4. Town of Troy Request for Rehearing – A request for a Declaratory Ruling was received on November 1, 2013. On November 26, 2013 the Board issued a Declaratory Ruling concluding, “Accordingly, regardless as to whether RSA 195:7 requires a cooperative school board to ‘offer’ and ‘recommend’ a formula before district adoption and board certification and approval, the Board lacks jurisdiction to grant the requested relief.” The ruling went on to state: “Moreover, to the extent Troy’s petition may be construed as a motion to reconsider the Board’s July 18, 2013 decision in approving the apportionment formula, the motion is untimely. Under Ed 213.02, a party may seek reconsideration of ‘a decision of the board’ within 30 days.” A request for a Rehearing by the Board was received on December 24, 2013. The attorney, on behalf of the Town of Troy, filed this request. The Town of Troy, through its attorney, request the matter be reheard/reconsidered pursuant to RSA 541:3 Motion for Rehearing/Reconsideration and presents its reasoning and conclusions of the Board’s ruling were in error. To demonstrate error, the moving party must demonstrate the findings and/or rulings were unlawful or unreasonable. A response to this request for rehearing/reconsideration will provide a final disposition of this matter. Selectmen Gideon Nadeau and William Matson were present. Selectman Matson spoke to the issue.

MOTION: Gary Groleau made the motion, seconded by Cindy Chagnon, that the State Board of Education, in the matter of Town of Troy Request for Rehearing, treat the motion as a motion for reconsideration and deny the request as it does not demonstrate that the Board’s decision was either unlawful or unreasonable.

VOTE: The motion was adopted by unanimous vote of the Board present, with the Chairman voting.

5. Student/Hillsboro-Deering School Board – SB-FY-14-07-002 – The parents appealed the Hillsboro-Deering School Board's refusal to grant their request for placement of their son at a school in the Contoocook Valley Regional School District. The request was based on an allegation that their child was the subject of ongoing bullying while an eighth grade student at the Hillsboro-Deering Middle School. Robert Hassett, Superintendent of Schools, SAU #34, was present and said he supported the Board's decision. The parents called at 11:45 a.m. and said they would not attend this hearing.

MOTION: James Schubert made the motion, seconded by Gary Groleau, that the State Board of Education accept the Hearing Officer's Report and adopt the Hearing Officer's Recommendation.

VOTE: The motion was adopted by unanimous vote of the Board present, with the Chairman voting.

6. Student/Dunbarton School Board – SB-FY-14-10-005 Brian Balke, Interim Superintendent of Schools, SAU #19, and the parent were present. Chairman Raffio asked the parties if they would like this hearing held in public or nonpublic session. The parent elected to hold the hearing in nonpublic session.

MOTION: Gary Groleau made the motion, seconded by Cindy Chagnon, to go into nonpublic session pursuant to RSA 91-A:3.

VOTE: This was done by a roll call vote: Emma Rous – Yes; Gary Groleau – Yes; Cindy Chagnon – Yes; Tom Raffio – Yes; James Schubert – Yes; Helen Honorow – Yes.

MOTION: Emma Rous made the motion, seconded by Cindy Chagnon, to come out of nonpublic session.



VOTE: This was done by a roll call vote: Emma Rous – Yes, Gary Groleau – Yes; Cindy Chagnon – Yes; Tom Raffio – Yes; James Schubert – Yes; Helen Honorow – Yes.

MOTION: Cindy Chagnon made the motion, seconded by Helen Honorow, that the State Board of Education accept the Hearing Officer's Report and adopt the Hearing Officer's Recommendation.

VOTE: This was done by a roll call vote: Emma Rous – No; Gary Groleau – Yes; Cindy Chagnon – Yes; Tom Raffio – Yes; James Schubert – No; Helen Honorow – Yes. The motion carried with a 4 – 2 vote.

#### **AGENDA ITEM VI. NEW DEPARTMENT BUSINESS**

There was no New Department Business at this meeting.

#### **AGENDA ITEM VII. LEGISLATIVE ISSUES**

A. Adopted Rule for Selected Sections of Ed 500 and Ed 600 – A vote is needed by the Board to adopt Ed 504, Professional Credentials, Ed 507.02 and .03, Career and Technical Ed Teacher and Specialty Certification, Ed 507.09 and Ed 612.01, Visual Arts Teacher, Ed 507.251 and Ed 614.14, Elementary Mathematics Specialist For grades K-6, 507.51, Physical Science For Grades 7-12 in rule filing 2013-111. The Office of Legislative Services has determined the rules have been amended in accordance with the conditional approval and RSA 541-A:13, V(a).

MOTION: Cindy Chagnon made the motion, seconded by Gary Groleau, that the State Board of Education adopt Ed 504, Professional Credentials, Ed 507.02 and .03, Career and Technical Ed Teacher and Specialty Certification, Ed 507.09 and Ed 612.01, Visual Arts Teacher, Ed 507.251 and Ed 614.14, Elementary Mathematics Specialist For grades K-6, 507.51, Physical Science For Grades 7-12 in rule filing 2013-111.

VOTE: The motion was adopted by unanimous vote of the Board present, with the Chairman voting.

B. Update on Minimum Standards – Paul Leather updated the Board on the School Approval standards. As to the concern regarding “dispositions,” that term was changed last year to reflect “work study practices” consistent with the statute. It was inconsistent in an earlier section of the standards but has been changed.

### **AGENDA ITEM VIII. NEW BOARD BUSINESS**

A. Priorities of State Board – Chairman Raffio said this item can be combined with the Discussion on Strategic Items under Open Board discussion. The Strategic Planning will be categorized and discussed at a mini retreat.

### **AGENDA ITEM IX. COMMISSIONER’S REPORT**

Commissioner Barry said that she would speak with Health and Human Services staff to clarify the Medicaid issue.

The discussion on the math and science standards will be moving forward with a committee set up to discuss these standards.

Commissioner Barry said that the NECAP testing has meaning to students. Ms. Honorow said that Commissioner Barry and the Department have been very helpful and supportive to various groups interested in student achievement. Ms. Chagnon said that math and science standards are important but to not forget literacy and writing curriculum; these are so vital she does not want them to be lost in the discussion. Board members would like this to be a topic for discussion at the February 13<sup>th</sup> meeting.

### **AGENDA ITEM X. OLD BUSINESS**

There was no Old Business at this meeting.

### **AGENDA ITEM XI. CONSENT AGENDA**

A. Minutes of December 19, 2013 Meeting – There was a correction under Agenda Item III. Public Comment.

MOTION: Cindy Chagnon made the motion, seconded by James Schubert, to approve the Minutes of December 19, 2013, as amended.

VOTE: The motion was adopted by unanimous vote of the Board present, with the Chairman voting.

B. Tuition Contract – Middleton School District/Governor Wentworth Regional School District – Middleton does not maintain a public middle or high school. The Governor Wentworth Regional School District does maintain a middle and high school that are approved by the Board and is willing to accept Middleton students on a tuition basis. Approval of this contract will permit middle and high school students who reside in the Middleton School District to receive a public education in the Governor Wentworth Regional School District at Middleton's expense. It will also make the Governor Wentworth Regional School District's middle and high school the middle and high school maintained by the Middleton School District. The term of this contract shall be for ten years beginning July 1, 2015, pending voter approval of the withdrawal plan of Middleton from the Farmington Middleton AREA Agreement in March 2014.

MOTION: Gary Groleau made the motion, seconded by Cindy Chagnon, that the State Board of Education approve the tuition contract between the Middleton School District and the Governor Wentworth Regional School District pending voter approval of the withdrawal plan of Middleton from the Farmington Middleton AREA Agreement in March 2014.

VOTE: The motion was adopted by unanimous vote of the Board present, with the Chairman voting.

C. Wakefield School District Withdrawal Study Committee Report – RSA 195:25 requires that a cooperative withdrawal study committee file its report with the Board within 180 days of the formation of the committee. Since the report of the committee is that Wakefield will not be seeking separation from SAU #64, Milton/Wakefield, the Board's acceptance of the report will complete the withdrawal study process. The report will be placed in the Department's Milton/Wakefield School District file.

MOTION: Cindy Chagnon made the motion, seconded by Gary Groleau, that the State Board of Education accept the Report from the Wakefield School District and place the Report on file.

VOTE: The motion was adopted by unanimous vote of the Board present, with the Chairman voting.

D. Approval of Appointment to Nonpublic School Advisory Council – Richard Johnson – Richard Johnson has been nominated by the Council to replace a member who has resigned. Mr. Johnson is the Founding Head of School at The Beech Hill School in Hopkinton NH.

MOTION: Gary Groleau made the motion, seconded by James Schubert, that the State Board of Education approve the Commissioner's appointment of Richard Johnson to the Nonpublic School Advisory Council for a three-year term effective February 1, 2014 through June 30, 2017.

VOTE: The motion was adopted by unanimous vote of the Board present, with the Chairman voting.

#### **AGENDA ITEM XII. TABLED ITEMS**

A. Middleton Withdrawal Plan from the Farmington/Middleton AREA Agreement

MOTION: Helen Honorow made the motion, seconded by Cindy Chagnon, to take the Middleton Withdrawal Plan From The Farmington/Middleton AREA Agreement off the table.

VOTE: The motion was adopted by unanimous vote of the Board, with the Chairman voting.

#### **AGENDA ITEM XIII. NONPUBLIC SESSION**

The Board went into Nonpublic Session under Special Presentations.

#### **AGENDA ITEM XIV. ADJOURNMENT**

MOTION: Cindy Chagnon made the motion, seconded by Emma Rous, to adjourn the meeting at 12:40 p.m.

VOTE: The motion was adopted by unanimous vote of the Board present, with the Chairman voting.

*Virginia M. Barry*

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Secretary